

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.) Case No. 4:17CR273 RLW
)
 NAKIA PHILLIPS,)
)
 Defendant.)

This matter is before the Court on the Order and Recommendation of United States Magistrate Judge David Noce (ECF No. 40). Defendant Phillips made an oral motion to suppress (ECF No. 17) and filed a Motion to Suppress Evidence Resulting from Search of Defendant's Cell Phone (ECF No. 24). The United States made an oral motion for a determination by the Court of the admissibility of any arguably suppressible evidence. (ECF No. 18).

The Magistrate Judge recommends that the motions of Defendant Phillips to suppress evidence (ECF Nos. 17, 24) be denied. The Magistrate Judge also recommends that the motion of the United States for a determination by the Court of the admissibility of arguably suppressible evidence (ECF No. 18) be denied as moot. After de novo review of this matter, this Court adopts the Magistrate Judge's recommendations.

Accordingly,

IT IS HEREBY ORDERED that the Order and Recommendation of United States Magistrate (ECF No. 40) is **SUSTAINED, ADOPTED, AND INCORPORATED** herein.

IT IS FURTHER ORDERED that Defendant's Oral Motion to Suppress (ECF No. 17) and Motion to Suppress (ECF No. 24) are **DENIED**.

IT IS FINALLY ORDERED that the United States' oral motion for a determination by the Court of the admissibility of any arguably suppressible evidence (ECF No. 18) is **DENIED** as moot.

Dated this 4th day of December, 2017.



RONNIE L. WHITE
UNITED STATES DISTRICT JUDGE